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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,441	12/05/2001	Steve Lynch	40101/03601	3364
30636	7590	01/13/2005		
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			EXAMINER SHRADER, LAWRENCE J	
			ART UNIT 2124	PAPER NUMBER

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/007,441	LYNCH ET AL.	
	Examiner	Art Unit	
	Lawrence Shrader	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 December 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the application filed on 12/05/2001.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 6, 8, 11 – 14; 15 – 20, 22, 25 – 28; 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne, II et al., U.S. Patent 6,775,824 (hereinafter referred to as Osborne) in view of Forney et al., U.S. Patent Application Publication US 2002/0101431 (hereinafter referred to as Forney).

In regard to claim 1:

establishing a tool communication link between a graphical code generator and a target server, the target server being connected to a target system via a target communication link;

establishing a virtual communication channel within the target communication link between the target server and the target system;

receiving animation data from the target system, via the target server, using the virtual communication channel; and

providing the animation data to the graphical code generator.

Osborne discloses establishment of a communication link between a code generator (Figure 1, ref. no. 110 and Figure 2) and a target server (Figure 1, ref. no. 114). A virtual

communication channel is established as an Internet connection (column 4, lines 56 – 62) to receive data via the target server and providing the data to the code generator (column 7, lines 1 – 11). Osborne does not explicitly disclose the data requests to the code generator being animation data, although it is conceivable that it could be. However, Forney explicitly discloses the transmission of animation data to be generated into animated graphics on a web browser (para. [0012]). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the code generation data over a communication link as taught by Osborne with the animation data communicated over a virtual link to generate animated graphics images, because the combination produces animated display code generated for a display window allowing real-time information to be used in a meaningful way for the user as taught by Forney at bottom of paragraph [0010].

In regard to claim 2, incorporating the rejection of claim 1:

“...wherein the receiving step, the animation data received without establishing a direct communication link between the code generator and the target system.”

The system disclosed by Osborne establishes an indirect communication link through the Internet for receiving data (e.g., Figure 1 and column 4, line 47).

In regard to claim 3, incorporating the rejection of claim 1:

“...wherein the animation data includes animation commands utilized by the graphical code generator.”

See Osborne Figure 5 and column 5, lines 42 – 52 for data and commands from the GUI utilized by the code generator.

In regard to claims 4 and 5, incorporating the rejection of claim 1:

"...further comprising the step:

upon receiving the animation data, updating a display of the target system as a function of the animation data."

"...further comprising the steps:

upon receiving the animation data, generating predetermined data to acknowledge a receipt the animation data from the target system by the graphical code generator;

providing the predetermined data to the target system using the virtual communication link."

Osborne discloses establishment of a communication link between a code generator (Figure 1, ref. no. 110 and Figure 2) and a target server (Figure 1, ref. no. 114). A virtual communication channel is established as an Internet (virtual) connection (column 4, lines 56 – 62) to receive data via the target server and providing the data to the code generator (column 7, lines 1 – 11). Osborne does not explicitly disclose the data requests to the code generator being animation data. However, Forney discloses the transmission of animation data to be generated into animated graphics on a web browser (para. [0012]) on which acknowledgements of data would be inherent. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the code generation data over a communication link as taught by Osborne with the animation data communicated over a virtual link to generate animated graphics images as taught by Forney, because the combination produces animated display code generated for a display window allowing real-time information to be used in a meaningful way for the user as taught by Forney at bottom of paragraph [0010].

In regard to claim 6, incorporating the rejection of claim 1:

“...further comprising the step of:

closing the virtual communication channel after the animation data between the graphical code generator and the target system have been exchanged.”

Closing a virtual channel over the Internet as disclosed by Osborne would be an inherent function.

In regard to claim 8, incorporating the rejection of claim 7:

“...further comprising the step of:

generating software code by the graphical code generator.”

See Figure 5 of Osborne.

In regard to claim 11, incorporating the rejection of claim 9:

“...further comprising the step of:

collecting the animation data as a function of the software code, the animation data being provided a graphical user interface.”

Data in the Osborne invention is provided by a GUI (column 5, lines 42 – 52).

In regard to claim 12, incorporating the rejection of claim 9:

“...further comprising the steps of:

generating further software code by the graphical code generator as a function of the software code and the animation data; and

providing the further software code, via the first virtual subchannel, by the graphical code generator to the target system.”

See Osborne Figure 5 and column 5, lines 42 – 52 for data from the GUI utilized by the code generator and sent over the virtual network.

In regard to claim 13, incorporating the rejection of claim 1:

“...further comprising the step monitoring the target communication link to detect the animation data.”

The web browser of Osborne would inherently monitor the communication link for data.

In regard to claim 14, incorporating the rejection of claim 1:

“...wherein the animation data is stored utilizing a predetermined storage format.”

Osborne discloses establishment of a communication link between a code generator (Figure 1, ref. no. 110 and Figure 2) and a target server (Figure 1, ref. no. 114). A virtual communication channel is established as an Internet (virtual) connection (column 4, lines 56 – 62) to receive data via the target server and providing the data to the code generator (column 7, lines 1 – 11). Osborne does not explicitly disclose the data storage format. However, Forney discloses the transmission of animation data to be generated into animated graphics on a web browser (para. [0012]) and storage formats (para. [0049]). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the code generation data over a communication link as taught by Osborne with the animation data stored in a particular format as taught by Forney, because the combination produces animated display code generated for a display window allowing real-time information to be used in a meaningful way for the user as taught by Forney at bottom of paragraph [0010].

In regard to claim 15 (a system): It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 1.

In regard to claim 16 (a system), incorporating the rejection of claim 15: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 2.

In regard to claim 17 (a system), incorporating the rejection of claim 15: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 3.

In regard to claim 18 (a system), incorporating the rejection of claim 15: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 4.

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In regard to claim 19 (a system), incorporating the rejection of claim 15: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 5.

In regard to claim 20 (a system), incorporating the rejection of claim 15: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 6.

In regard to claim 22 (a system), incorporating the rejection of claim 21: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 8.

In regard to claim 25 (a system), incorporating the rejection of claim 23: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 11.

In regard to claim 26 (a system), incorporating the rejection of claim 23: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 12.

In regard to claim 27 (a system), incorporating the rejection of claim 15: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 13.

In regard to claim 28 (a system), incorporating the rejection of claim 15: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 14.

In regard to claim 29:

establishing a tool communication link between a graphical code generator and a target server, the target server being connected to a target system via a target communication link;

establishing a virtual communication channel within the target communication link between the target server and the target system;

communicating animation data between the graphical code generator and the target system, via the target server, using the virtual communication channel; and

when the animation data is received by the target server, providing the animation data to the graphical code generator.

Osborne discloses establishment of a communication link between a code generator (Figure 1, ref. no. 110 and Figure 2) and a target server (Figure 1, ref. no. 114). A virtual communication channel is established as an Internet connection (column 4, lines 56 – 62) to

receive data via the target server and providing the data to the code generator (column 7, lines 1 – 11). Osborne does not explicitly disclose the data requests to the code generator being animation data, although it is conceivable that it could be. However, Forney explicitly discloses the transmission of animation data to be generated into animated graphics on a web browser (para. [0012]). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the code generation data over a communication link as taught by Osborne with the animation data communicated over a virtual link to generate animated graphics images, because the combination produces animated display code generated for a display window allowing real-time information to be used in a meaningful way for the user as taught by Forney at bottom of paragraph [0010].

In regard to claim 30 (a system): It is rejected for the same corresponding reasons put forth in the rejection of claim 29 (a corresponding method).

4. Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne, II et al., U.S. Patent 6,775,824 in view of Forney et al., U.S. Patent Application Publication US 2002/0101431, and further in view of Rubino et al., U.S. Patent 6,424,629 (hereinafter referred to as Rubino).

In regard to claim 7, incorporating the rejection of claim 1:

“...wherein the virtual communication channel includes first and second virtual subchannels.”

Osborne discloses establishment of a communication link between a code generator (Figure 1, ref. no. 110 and Figure 2) and a target server (Figure 1, ref. no. 114). A virtual communication channel is established as an Internet (virtual) connection (column 4, lines 56 – 62) to receive data via the target server and providing the data to the code generator (column 7, lines 1 – 11). Neither Osborne nor Forney explicitly discloses subchannels in a virtual communication channel. However, subchanneling is well known in the art as disclosed by Rubino (column 1, lines 48 – 65). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the code generation data over a communication link as taught by Osborne with the animation data as taught by Forney communicated over a virtual link with subchannels as taught by Rubino to generate animated graphics images, because the combination produces animated display code generated for a display window allowing real-time information to be used in a meaningful way for the user over virtual channels providing flexibility and reliability.

In regard to claim 21 (a system), incorporating the rejection of claim 15: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 7.

5. Claims 9, 10; 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne, II et al., U.S. Patent 6,775,824 in view of Forney et al., U.S. Patent Application Publication US 2002/0101431, and further in view of Rubino et al., U.S. Patent 6,424,629, and further in view of Goumillou, U.S. Patent 5,836,008.

In regard to claims 9 and 10, incorporating the rejection of claim 7:

"...further comprising the step of:

receiving the animation data, via the second virtual subchannel, by the graphical code generator from the target system."

"...further comprising the step of:

sending the software code, via the first virtual subchannel, by the graphical code generator to the target system."

Osborne discloses establishment of a communication link between a code generator (Figure 1, ref. no. 110 and Figure 2) and a target server (Figure 1, ref. no. 114). A virtual communication channel is established as an Internet (virtual) connection (column 4, lines 56 – 62) to receive data via the target server and providing the data to the code generator (column 7, lines 1 – 11), and subchanneling is well known in the art as disclosed by Rubine (column 1, lines 48 – 65). But neither Osborne nor Forney nor Rubino discloses a receiving virtual subchannel and a sending virtual subchannel. However, Goumillou discloses virtual receive and virtual send channels (column 6, lines 44 – 49). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the code generation data over a communication link as taught by Osborne with the animation data as taught by Forney communicated over a virtual link with subchannels as taught by Rubino to generate animated graphics images further modified by Goumillou with a send subchannel and a receive subchannel, because the combination produces animated display code generated for a display window allowing real-time information to be sent and received in specific formats as taught by Goumillou at column 6, lines 34 – 43).

In regard to claim 23 (a system), incorporating the rejection of claim 21: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 9.

In regard to claim 24 (a system), incorporating the rejection of claim 21: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 10.

Conclusion

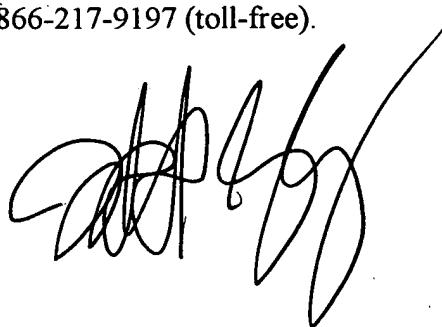
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (571) 272-3734. The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Shrader
Examiner
Art Unit 2124

3 January 2005



TODD INGBERG
PRIMARY EXAMINER